UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,453	11/21/2003	Kevin L. Bostrom	LUC-446/Bostrom 6-7-12	2590

32205   7590   09/25/2009
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ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
09/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 August 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August

26, 2009 has been entered.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 1-13 and 20 are rejected under 35 U.S.C. 101 because of the following

reasons:

4.   Claims 1 and 20 is directly not limited to "functional descriptive material" because

claims 1 and 20 are directly and/or indirectly to a computer program and/or a computer

software application. According to "Patent Eligibility Guidelines 35 USC 101", pages 50-

51, and according to MPEP 2106 page 2100-2012, a computer program is directed to

non-statutory subject matter. For example, the Interim Guidelines recites "When

functional descriptive material is recorded on some computer-readable medium it

becomes structurally and functionally interrelated to the medium and will be statutory..."

For example, the claim 1 recites "an apparatus comprising: an application server

component that servers..." and the claim 20 recites "an article, comprising: one or more

computer-readable signal bearing media; (emphasis added). Further, in the paragraphs

0032 and 0033 of the specification, the applicant wrote, "the apparatus comprises

computer software components and example of a computer readable signal bearing

medium comprises electrical medium" that are directed to non-statutory subject matter

because claims 1 and 20 are just limited to computer program and computer application

per se, instead being defined as including structurally and functionally interrelated to the

medium. Therefore, claims 1 and 14 are directed to non-statutory subject matter

because they are not directly to "functional descriptive material".

5.   Claims 2-12 are also rejected under 35 U.S.C. 101 because they are directly on

independent claim 1.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-3, 5-7, 11, 14-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo et al., United States Patent Application Publication Number 2002/0177433 (hereinafter Bravo), in view of Hymel et al., United States Patent Application Publication Number 2004/0180648 (hereinafter Hymel).

8.   With respect to claims 1, 14, and 20, Bravo teaches an apparatus [= server **120**], comprising:

- wherein the application server component employs the one or more communication session restrictions to advise a network components for control of a connection of a communication sessions for the mobile communication devices [= restricted item provider 120 sends message to access control administrator 130 with assigned token and instruction to call access control administrator, steps 560 and 570 of fig.5];
- wherein upon receipt of an indication [= indicating the user's cellular telephone number, paragraph 0013] that the communication session involves the mobile communication device, the application server component checks [= granting access to user? step 580 of fig.5] the one or more communication session restrictions [fig.5];
- wherein the one or more communication session restrictions comprise one or more communication session restrictions on incoming communication session terminated [= deny access step 595] to the mobile communication device [fig.5].

However, Bravo does not explicitly teaches an application server component that serves to maintain one or more communication session restrictions set by a first user, for a communication devices used by a second user, wherein the first user and the second user share a billing relationship.

In a related art, Hymel discloses an application server component [= RAN controller] that serves to maintain one or more communication session restrictions [= service constrains 221 of fig.2] set by a first user [= parent], for a communication devices [=a subordinate device] used by a second user [= child], wherein the first user and the second user share a billing relationship [= parent is responsible for the charges while the child needs or enjoys the services] [see fig.1-2 and paragraphs 0014-0018, 0030 and 0037-0040].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel by maintaining one or more communication session restrictions set by a first user, for a communication devices used by a second user, wherein the first user and the second user share a billing relationship because this feature may wish to control or constrain the services [Hymel, paragraph 0016]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to encourage appropriate behaviors [Hymel, paragraph 0016].

9.   With respect to claims 2 and 19, Bravo further teaches wherein the first user employs one or more websites to set the one or more communication session

restrictions [= access control administrator **130**]; wherein the application server component maintains the one or more communication session restrictions set by the first user with the one or more websites [= web-site, paragraphs 0004, 0029, and 0032-0033].

10.   With respect to claims 3, 5-7, 11, 15, and 17-18, Bravo further teaches wherein if the one or more communication session restrictions allows the connection of the communication session for the mobile communication device, then the application server component advises the network component to allow the connection of the communication session for the mobile communication device [= permit access, step 590 of fig.5].

11.   Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo in view of Hymel, as applied in claims 1 and 14 above, in view of Klensin et al., United States Patent Application Publication Number 2003/0191971 (hereinafter Klensin).

12.   With respect to claims 4 and 16, Bravo does not explicitly show wherein the application server component advises the network component to send a warning of a communication session termination to the mobile communication device.

In a method of and system for controlling Internet access, Klensin discloses wherein the application server component advises the network component to send a

warning of a communication session termination to the mobile communication device [= reporting the reason for the blocking and prompting the user either to upgrade to higher access level or to appeal the blocking for later parental review, paragraph 0029].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel, and further in view of Klensin by advising the network components to send a warning of communication session termination to the mobile communication device because this feature manages the violation for the particular customer [Klensin, paragraph 0029]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to prompt the user either to upgrade to higher access level or to appeal the blocking for later parental review [Klensin, paragraph 0029].

13.   Claims 8-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo in view of Hymel, as applied in claim 1 above, in view of Karak et al., United States Patent Application Publication Number 2002/016821 (hereinafter Barak).

14.   With respect to claim 8, Bravo does not explicitly show wherein the request comprises an emergency request, wherein the application server component allows the communication session for the mobile communication device.

In a related art, Barak suggests or discloses wherein the request comprises an emergency request, wherein the application server component allows the

communication session for the mobile communication device [paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel, and further in view of Barak by allowing the communication session for the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

15.   With respect to claim 9, Bravo does not explicitly show wherein the communication session comprises an incoming call, wherein the application server component sends the incoming call to a messaging component of the mobile communication device.

In a related art, Barak suggests or discloses wherein the communication session comprises an incoming call, wherein the application server component sends the incoming call to a messaging component of the mobile communication device [paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel, and further in view of Barak by sending the incoming call to a messaging component of the mobile

communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

16.   With respect to claim 13, Bravo does not explicitly show wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices.

In a related art, Barak suggests or discloses wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices [For instance, call control limitations may include budgetary, time, geographic, and other limitation, see abstract and paragraphs 0020-0046].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel, and further in view of Barak by employing the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication session for the one or more of the one or more mobile communication devices because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

17.   Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo in view of Hymel, as applied to claim 1 above, in view of Barnes, JR., United States Patent Application Publication Number 2005/0136949 (hereinafter Barnes).

18.   With respect to claims 10 and 12, Bravo does not explicitly show wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device.

In a related art, Barnes suggests wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device [paragraph 0387].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Hymel, and further in view of Barnes by converting the voice message to a short message service message or an email because this feature provides a system, method apparatus, and computer program product for automatically processing in a wireless network communications [paragraph 0008]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to wirelessly exchange select information with other users and system [paragraph 0010].

Response to Arguments

19.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

20.   Applicant's arguments filed August 26, 2009, regarding the rejections under 35 U.S.C. 101, have been fully considered but they are not persuasive. For example, the claim 1 recites "an apparatus comprising: <u>an application server component</u> that

servers..." and the claim 20 recites "an article, comprising: one or more <u>computer-</u>

<u>readable signal bearing media</u>; (emphasis added). Further, in the paragraphs 0032 and

0033 of the specification, the applicant wrote, "the apparatus comprises computer

software components and example of a computer readable signal bearing medium

comprises electrical medium" that are directed to non-statutory subject matter because

claims 1 and 20 are just limited to computer program and computer application per se,

instead being defined as including structurally and functionally interrelated to the

medium.

Conclusion

21.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2451

September 15, 2009

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451